

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Imam et al.

Serial No.: 08/845,897

Filed: 08/28/1997

For: POROUS METAL/ORGANIC POLYMERIC COMPOSITES

Examiner: Vo, Hai

Art Group Unit: 1771

Honorable Commissioner of Patents

PO Box 1450

Alexandria, VA 22313-1450

July 13, 2006

RESPONSE TO FINAL REJECTION

Sir:

In response to the Office Action of 05/30/2006, please consider the following remarks.

Claims 1-28 are pending in the application. Claims 5, 6, 8-10, and 12-16 have been withdrawn pursuant to a restriction/election of species requirements. No claims are presently allowed.

Claim Rejections – 35 U.S.C. § 112

Claims 1-4, 7, 11, and 17-28 have been rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Claims 1 (2-4, 7, 11, 17-20, 23, and 26 dependent thereon), 21 (24 and 27 dependent thereon), and 22 (25 and 28 dependent thereon) recite that the article comprises from about 60 to about 95 vol.% of the polymeric matrix. The Examiner stated that support for this limitation is not found in the original disclosure. Support is found at page 7, line 7, which discloses a percent foam density of about 5-40. The Examiner stated that the term “percent foam density” is unclear. The term is defined at page 6, lines 17-19 as the density of one unit volume of foam/density of one unit volume of metal $\times 100$. Since density is independent of volume, “density of one unit volume” is the same as “density.” Density of foam/density of metal $\times 100$ is the same as the vol.% of foam. If the percent density, or vol.%, of the foam is about 5-40%, the foam is about 60-95% open cells.

Page 9, lines 12-14 discloses that the open cells are filled with polymer. Thus, it is disclosed in the specification that the article may comprise about 60-95 vol.% of the polymeric matrix.

Claim Rejections – 35 U.S.C. § 102

Claims 1-3, 11, 19, 22, 23, 25, 26, and 28 have been rejected under 35 U.S.C § 102(e) as allegedly anticipated by JP 08-245810. As the reference is a foreign patent publication, it is assumed that the rejection should be under § 102(a). The publication date is 09/24/1996, which is less than one year before the filing date of the present application, 04/28/1997. The reference may be removed as a reference by a declaration under 37 C.F.R. § 1.131. The attached declarations from the inventors include a copy of an invention disclosure showing that the invention was reduced to practice no later than 07/30/1996, which is before the date of the reference. The disclosure was also witnessed by Robert F. Brady and C.S. Pande on 07/30/1996. The disclosure shows that a composite was made from a 6-8% density Al foam filled with phthalonitrile resin. This composite had a 92-94 vol.% polymeric matrix. Based on this evidence, JP 08-245810 should be removed as reference. The declaration could not have been submitted before the final rejection as the reference had not yet been cited.

Claim Rejections – 35 U.S.C. § 103

Claims 4 and 7 have been rejected under 35 U.S.C § 103(a) as being allegedly unpatentable over JP 08-245810 and further in view of Tsang (US 4,605,595). As explained above, JP 08-245810 should be removed as reference.

Claims 17, 18, 20, 21, 24, and 27 have been rejected under 35 U.S.C § 103(a) as being allegedly unpatentable over JP 08-245810. As explained above, JP 08-245810 should be removed as reference.

Claims 1-4, 7, 11, 17-22, and 26-28 have been rejected under 35 U.S.C § 103(a) as being allegedly unpatentable over Tsang in view of JP 08-245810. As explained above, JP 08-245810 should be removed as reference.

In view of the foregoing, it is submitted that the application is now in condition for

allowance.

In the event that a fee is required, please charge the fee to Deposit Account No. 50-0281, and in the event that there is a credit due, please credit Deposit Account No. 50-0281.

Respectfully submitted,



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